

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

# February 3, 2009

DIVISION THREE

B199510 People (Not for Publication)  
v.  
Ricky White

The judgment is reversed and the matter is remanded with the following directions. Following remand, and consistent with the views expressed in this opinion, the trial court must conduct an in camera inspection of the requested personnel records of Los Angeles Police Officers Tapia, Ledesma, Mejia, Gonzalez, Brown, Chapman, Reyes, and Pozo for relevance. If the trial court's inspection reveals no relevant information, the trial court must reinstate the judgment of conviction. If the inspection reveals relevant information, the trial court must order disclosure, allow appellant an opportunity to demonstrate prejudice, and order a new trial if there is a reasonable probability the outcome would have been different had the information originally been disclosed. If appellant fails to demonstrate prejudice, the trial court must reinstate the judgment. (Cf. *Johnson*, supra, 118 Cal.App.4th at pp. 304-305; *Hustead*, supra, 74 Cal.App.4th at pp. 418-423.)

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

### DIVISION THREE (continued)

[illegible]

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B196880 People (Not for Publication)  
v.  
Ederic Demetrius Weatherspoon,  
Darryl B. Wilson

The judgment as to Weatherspoon, and the orders denying his motions to quash and traverse the warrant, and to suppress evidence, are reversed, and the matter is remanded to the trial court with directions to conduct an in camera hearing with respect to his motions, consistent with this opinion and *People v. Hobbs*, supra, 7 Cal.4th 948, 971-975. If, after said in camera hearing and the related proceedings, the court denies Weatherspoon's suppression motion, the court shall reinstate the judgment. If, after said in camera hearing and the related proceedings, the court grants Weatherspoon's suppression motion, the trial court shall grant Weatherspoon a new trial, unless the evidence which should have been suppressed at his previous trial was harmless beyond a reasonable doubt, in which case the court shall reinstate the judgment. The trial court is also directed to determine, consistent with this opinion and *Galland II*, whether the magistrate erred on September 3, 2004, by allowing law enforcement to retain the "Hobbs Confidential Attachment" (sealed affidavit) incorporated by reference into the affidavit supporting the wiretap order issued on that date and, if so, whether any such error violated Weatherspoon's right to meaningful appellate review. The judgment as to Wilson is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

## DIVISION FOUR

B201886      People      (Certified for Partial Publication)  
v.  
Beyah

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Suzukawa, J.

B207840      People                          (Not for Publication)  
v.  
Jones

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The order appealed from is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

B204800      Speck                                  (Not for Publication)  
v.  
Pacific Cycle, Inc.

The judgment is affirmed. Pacific shall recover its costs on appeal.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

February 3, 2009(Continued)

DIVISION FOUR (continued)

B183878     People  
              v.  
              Belshaw

Filed order denying petition for rehearing.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

210147 DCFS v. C.B.  
B204842 People v. Johnson  
B211497 DCFS v. R.M.  
B212232 DCFS v. S.G.  
B208129 People v. Wilson

Argument waived, cause submitted.

B209572     Davis Group Realty  
              v.  
              City of Los Angeles

Merits:  
Argued by Gary Mobley for appellant and by Terry Kaufman-Macias,  
deputy city attorney, for respondent. Cause submitted.

Court recessed.

Court convened at 11:00 a.m.

Present: Turner, P.J., Mosk, J., Kriegler and J. Belcher, Deputy Clerk.

DIVISION FIVE (continued)

Each of the following:

B206139 People v. Escobar

B207993 DCFS v. C.Q.

B205295 People v. Bryant

Argument waived, cause submitted.

B199210     People  
                 v.  
                 Christopher Prevedello

Merits:

Argued by Carol Boyk for appellant and by Douglas Wilson, deputy attorney general, for respondent. Cause submitted.

B201428     Carl Olson, et al,  
                 v.  
                 Automobile Company of Southern California

Merits:

Argued by Thomas Bourke for appellants and by Howard Soloway for respondents. Cause submitted.

Court adjourned.

B201220     C.R.  
                 v.  
                 Encino-Tarzana Medical Center

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

B209443      Choudhury  
                 v.  
                 Lancaster Realty Holdings

B209443      Choudhury  
                 v.  
                 Lancaster Realty Holdings

Filed order consolidating above appeals under case number B209443.

DIVISION EIGHT

B207773      Los Angeles County, D.C.F.S.                      (Not for Publication)  
                 v.  
                 C.T.

The order is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
                 Bigelow, J.